

# IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**LPA No.324 of 2026**

**Date of Decision : 02.07.2026**

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**Dhirender Kumar**

**..... Appellant**

***Versus***

**State of Himachal Pradesh and others**

**..... Respondents**

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*Coram:*

**The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice**

**The Hon'ble Mr. Justice Bipin Chander Negi, Judge**

*Whether approved for reporting?<sup>1</sup>*

For the appellant : Mr. Onkar Jairath and Mr. Piyush Mehta,  
Advocates.

For the respondents : Mr. Gobind Korla, Additional Advocate General,  
for respondents No.1 to 4-State.

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**G.S. Sandhawalia, Chief Justice (Oral)**

Consideration sought in the present appeal is to the judgment passed by the learned Single Judge, in ***CWP No.715 of 2014***, titled ***Dhirender Kumar vs. State of Himachal Pradesh and others*** dated 07.03.2026.

2. The appellant is aggrieved against the dismissal of the writ petition on account of the fact that the learned Single Judge came to the conclusion that the basis for re-engagement was on the strength of Policy dated 17.04.2013, which provided appointment up to 30.12.2007 and services of those who were terminated later were entitled for the benefit.

Admittedly, the petitioner in the present case was appointed only after the cut off date, on 01.12.2008 and resultantly an argument as such was raised before the learned Single Judge that the process stood initiated before on 30.12.2007 and, therefore, the petitioner should be considered eligible.

3. Mr. Onkar Jairath, learned counsel for the petitioner has submitted that the selection process had been initiated on 18.09.2007 and interview was held on 04.10.2007 and, therefore, his appointment was delayed on account of litigation on account of another person having been appointed who was not eligible and, therefore the petitioner should have been considered appointed prior to the cut off date.

4. Learned Single Judge has not agreed to the said proposition on the ground that on the actual date on which the incumbent joins he becomes part of the service and determines the date of appointment.

5. The argument, as such, has been repeated before us. The press release, on the basis of which the petitioner seeks appointment reads as under:-

***"PRESS RELEASE***

*This is for the information of all those PTA provided teachers (under GIA to PTA Rules 2006) appointed upto 30.12.2007 and whose This is for the information of all those PTA provided services were terminated later may represent their cases before Smt. Saroj Chauhan Jaswal, OSD (C), Directorate of Higher Education, H.P., Shimla -1 latest by 15th May, 2013 on the specified proforma which is available on the departmental website te. [www.educationhp.org](http://www.educationhp.org) alongwith all the relevant documents duly verified /countersigned by the concerned Principal where PTA provided candidate has rendered services. Therefore, all concerned may represent their cases accordingly as mentioned above through registered post or by hand.*

*Director of Hr. Education  
Himachal Pradesh  
17<sup>th</sup> April, 2003"*

6. It is not disputed that the petitioner, in pursuance of the said press release, had duly represented on 08.05.2013 (Annexure P-7) for re-engagement to the post of Lecturer in Political Science and his case was duly considered, which would be clear from the communication dated 25.07.2013 (Annexure P-8), as his name figured at Sr. No.8 and it was noted that due to transfer of another person on 24.12.2009, his case was not received through the Principal.

7. It was in such circumstances that the learned Single Judge has not agreed to the argument which has been raised that the petitioner was not covered by press release (Annexure P-6) and, therefore, no relief was granted.

8. The appointment letter (Annexure P-5), issued to the petitioner would go on to show that the appointment was made only on 01.12.2008, as a Political Science PTA basis Guest Faculty (Volunteer). Thus, the petitioner joined for the first time to the service, subject to the conditions contained in the appointment letter. He cannot claim any benefit as such of right of consideration from the date the selection process which had been initiated way back on 18.09.2007 and in pursuance thereto, interview was held on 04.10.2007.

9. Thus, the learned Single Judge is justified in holding that it is not the initiation of the process which determines the date of appointment, but is the actual date on which an incumbent joins and

becomes part of the service. Therefore, the argument of learned counsel for the petitioner cannot be accepted, as it is the settled principle that there has to be a definite date and there is only a right of consideration in the selection process and no absolute right of appointment.

10. The petitioner having joined the service only on 01.12.2008 after the selection process had no absolute right of appointment as per the service jurisprudence and prior to that it is only an undefined stage and the birth mark would come later. If the said argument is to be accepted, it would open up a Pandora's box. The argument can be supplemented that even for the purpose of seniority, the date of the advertisement should be taken into consideration.

11. Learned counsel for the petitioner has placed reliance upon the decision of the Hon'ble Supreme Court, in ***Tej Prakash Pathak and others vs. Rajasthan High Court and others, 2025 (2) SCC 1***, but the same was an issue regarding whether the rules of the games can be changed during the recruitment process or not. The said judgment does not apply to the present case.

12. In view of above, we find no merit in the present appeal and the same is dismissed accordingly. Pending miscellaneous application(s), if any, shall also stand disposed of.

( G.S. Sandhawalia)  
Chief Justice

( Bipin Chander Negi)  
Judge

**July 02, 2026** (KS)